

OVERVIEW OF STATE APPROACHES

Kathy O'Toole, Washington Education Association

The Environmental Law Institute published a comprehensive report in 2002 entitled Healthier Schools: A Review of State Policies For Improving Indoor Air Quality.
http://www.elistore.org/reports_detail.asp?ID=56

The Environmental Law Institute also has published a data base of state laws and regulations related to school Indoor Air Quality.
http://www.elistore.org/reports_detail.asp?ID=11108&topic

Much of the information herein is a restatement of information contained in that report and that data base.

REQUIRING SCHOOL DISTRICTS TO HAVE INDOOR ENVIRONMENTAL QUALITY PLANS

Minnesota, New York and Connecticut require school districts to develop and implement IAQ management plans. Minnesota's Omnibus Education Act requires each school district to develop and implement written indoor air quality management plans and to monitor and improve indoor air quality.
<http://education.state.mn.us/mde/static/003996.pdf> The IAQ management plan must include a school district employee who coordinates IAQ, training for school staff re recognition, prevention and resolution of IAQ problems, written procedures for documenting and responding to IAQ complaints, a written building maintenance and operation plan, and annual inspections. Minnesota's Department of Health's website sets forth a model school IAQ plan.
<http://www.health.state.mn.us/divs/eh/indoorair/schools/plan/index.html>

REQUIRING SCHOOL DISTRICTS TO USE SPECIFIC REQUIRED MAINTENANCE PRACTICES

Some states require specific maintenance practices for HVAC systems. New Jersey requires certain "mold prevention practices such as prompt repair of leaks and removal or replacement of wet materials." Healthier Schools: A Review of State Policies For Improving Indoor Air Quality, p. iii;
<http://www.state.nj.us/labor/lse/alerts/Alert5.pdf>

Some states require that records be kept regarding maintenance of HVAC systems. Cal. Code Regs. Title 8, Section 5142.

SETTING REQUIRED PROTOCOLS FOR INSPECTING SCHOOLS

New Jersey's Department of Health has developed a checklist for indoor air quality inspections. <http://www.state.nj.us/health/eoh/peoshweb/iaqchecklist.pdf> New York lists certain things that must be checked when inspecting IAQ conditions in schools.

Several states require school districts to conduct annual inspections of HVAC systems or other air quality components. Cal. Code Regs. Tit. 8, Section 5142.

See states listed Healthier Schools: A Review of State Policies For Improving Indoor Air Quality, p.6.

ADOPT RULES SETTING INDOOR AIR QUALITY STANDARDS

New Jersey has adopted limited standards for indoor air quality. <http://www.state.nj.us/labor/lse/alerts/Alert5.pdf>

PUBLIC AND EMPLOYEES' RIGHT TO KNOW

"Key aspects of public policies that promote a community's right to know are: (1) mechanisms for informing community members that they have the right to obtain specific information; (2) methods for making information accessible to all community members, including those with limited resources or educational backgrounds; and (3) inclusion of practical information to help people understand what steps they can take if they wish to pursue a question or concern about indoor air quality." Healthier Schools: A Review of State Policies For Improving Indoor Air Quality, p. vii. New York requires that each school district have a health and safety committee that includes parents and members of employee bargaining units as well as school officials. NY Code Rules and Regulations, Tit. 8, Section 155.4. New York requires school districts to disclose in public meetings the district's annual report card, which must include reports on annual building inspections and measures taken to ensure acceptable indoor air quality. NY Code Rules and Regulations, Tit. 8, Section 155.6 New York also requires notice to employees and public hearings before employers can obtain an order allowing variance from occupational safety and health regulations.

http://www.nycosh.org/health_safety_rights/nys_osh_law.html California requires that employers provide employees with records re HVAC inspection and maintenance, if requested. Cal. Code Regs. Title 8, Section 5142